

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
JUDITH THIBEAU	)	
and GEORGE THIBEAU,	)	
	)	
Plaintiffs,	)	C.A. No. 1:04-cv-10643-LTS
	)	
v.	)	
	)	
UNITED STATES OF AMERICA and EAST	)	
BOSTON NEIGHBORHOOD HEALTH CENTER	)	
CORPORATION,	)	
	)	
Defendants.	)	
_____	)	

MEMORANDUM IN SUPPORT OF THE UNITED STATES' MOTION FOR THE COURT  
TO VIEW THE EAST BOSTON NEIGHBORHOOD HEATH CENTER EYE CLINIC

The United States requests the Court to view the site where, on September 26, 2002, Richard Price, a fourth year optometry student intern, and John Pietrantonio, M.D., provided Judith ThibEAU eye care and where she fell after that appointment. Whether a view is appropriate is left to the trial court's discretion. United States v. Gray, 199 F.3d 547, 550 (1<sup>st</sup> Cir. 1999) ("Determining if a view is appropriate in a particular situation remains a matter committed to the trial court's informed discretion.").

The site visit will efficiently provide the court the most accurate information on whether the East Boston Neighborhood Health Center ("Eye Clinic") provides its patients a safe egress from that building - one of the issues raised by the Thibeaus. The condition of the site to be viewed is the same as it was on

the date that Judith Thibeu fell. The quality of information obtained from the proposed site visit can not be obtained by an oral description and/or photographs of the Eye Clinic's stairs, elevator, examination rooms, reception area, and its other relevant features. In short, a site visit to the Eye Clinic furthers the values of judicial accuracy, economy and fairness.

For the foregoing reasons, the United States requests that the Court view the Eye Clinic.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that the foregoing, filed through the Electronic Case Filing system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/Christopher Alberto  
Christopher Alberto  
Assistant United States Attorney